

Hawaiian Gazette.

VOL. XXXVIII, No. 84

HONOLULU, H. T., TUESDAY, OCTOBER 13, 1903—SEMI-WEEKLY.

WHOLE No. 3529.

JUDGE ESTEE CHARGES FEDERAL GRAND JURY

He Instructs Them Regarding the Crime of Peonage and Other Offenses Against Federal Statutes.

When the October term of the United States District was opened yesterday morning, it was found that there was not a sufficient number of grand jurors qualified to act. Judge M. M. Estee therefore ordered a special venire to issue to Marshal Hendry for fifteen additional men, returnable at 2 o'clock in the afternoon. The Marshal was punctual in making the return and, with the appointment of foreman made by the court and the election of a secretary by the grand jury, the entire panel sworn in consists of the following named twenty-three men:

W. O. Atwater, foreman; J. R. Galt, secretary; Geo. F. Fuller, J. E. Gamble, Nelson, Andrew Adams, Walter E. Hyman, Alex. Illika, C. B. Huston, E. R. Elven, W. A. Fetter, Luther S. August, H. Willgeroth, John Lucas, C. C. Dwight, John C. Lane, Lot K. C. Lane, C. M. V. Forster, Chas. J. Elshel, Wm. W. Hall, Chas. H. Ramsay, B. J. Waterman, Kirk B. Porter and Geo. F. Kuegel.

Upon their being sworn, the grand jurors were charged by Judge Estee as follows: The instructions bearing upon offenses for which there are informations and commitments docketed, besides other offenses against Federal laws that might be brought to their attention or of which any of themselves might be cognizant.

COURT'S CHARGE TO GRAND JURY

Gentlemen of the Grand Jury: You have been called here as members of the Grand Jury of the United States District Court of Hawaii during the term of court just opening and the duties which will devolve upon you are of grave importance. By the fundamental law of the United States, namely, the constitution thereof, it is prescribed that:

"No person shall be held to answer for a capital or otherwise infamous crime unless on a presentment or indictment of a Grand Jury except in cases arising in the land or naval forces or in the militia, when in actual service in time of war or public danger." Sec. 1, Article V.

You will therefore observe that no steps can be taken for the prosecution of any crime of the character indicated until your body shall have acted. The whole series of felonies belong to the class of infamous crimes mentioned. You will therefore note how indispensable to the administration of justice in criminal cases is the action of the grand jury.

SCOPE OF DUTIES.
You are officers of the United States and as such, deal only with offenses against the laws of the United States, or which are made by United States laws. You have nothing to do with offenses under the laws of the Territory of Hawaii.

Your jurisdiction, however, in the investigation of offenses made such by the laws of the United States, extends over the whole Territory of Hawaii, and you are to fairly and without fear or favor investigate all crimes within the Territory which come under that category.

I wish to say further to you in relation to the character of your duties, that the grand jury is designed not as a means of bringing to trial persons accused of crime upon just grounds, but it is also a means of protecting the citizen against unfounded accusations whether they proceed from the government or are prompted by individual enemies or personal passion. There is, therefore, a double duty upon you as grand jurors of this district; one is that duty to society to see that parties against whom there is just ground to charge the commission of a crime shall be held to answer thereto, and on the other side, a duty to the citizen to see that he is not subjected to prosecution upon erroneous accusations.

SECRECY ESSENTIAL.
Sessions shall be secret. It is essential that you should work in secret. It is your duty to keep secret all that you hear in the grand jury room, and it is your duty to keep secret all that you see in the grand jury room.

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ALL SERENE WITH JURY

A Contempt Case Could Not Be Got Up.

Kamuela was found guilty yesterday afternoon of assault with a weapon. Judge Gear sentenced him to be imprisoned at hard labor for eighteen months, the term being but six months less than the longest the law allows. Ella Long, who defended Kamuela by assignment of the court, had put the defendant on the stand as the sole witness for the defense and asked him but one question. This was if he stabbed the Japanese alleged to have been assaulted.

"I did not," was the answer. Mr. Fleming for the Territory was met with objections to any cross-examination of the defendant which did not bear upon that simple denial of guilt, yet some questions objected to on that ground were allowed.

The jury retired at 12:25 and half an hour later called the bailiff to give them a fresh supply of blank ballots. They came into court after an absence of more than an hour and through Carl Willing as foreman announced that they could not agree. They had taken ten ballots and were divided eight to four. Judge Gear sent them down town for lunch, giving a gentle hint by remarking that it ought to be possible to reach a verdict under the evidence presented. At 2:30 the jury returned a verdict of guilty.

STORY OF THE CASE.

According to the evidence, Kamuela went into the house of a Japanese at Kaimuki, while the occupant was taking a nap, and gathering up certain personal effects belonging to him. He was taken by the Japanese and sprung from his couch, exclaimed: "What's this matter, kamaka?" As the Japanese went to intercept the intruder's escape, Kamuela jabbed him in the shoulder with a jack-knife and fought with the weapon in his hand. As he was pursued with hue and cry by the Japanese and his neighbors, Kamuela kept them at bay by brandishing the knife about him. When the pursuit became too hot he threw the knife away but it was found and he was captured virtually red-handed. His defense in court did not amount to a whit more than his formal plea of not guilty on arraignment excepting that it was a denial of guilt under oath.

THE SAME JURY.

The jury that convicted Kamuela was the one impaneled on Thursday, some of whose members struck duty on Friday morning owing to a news item in the Advertiser relating to their impaneling. As previously reported, Judge Gear requested the Attorney General to take such proceedings as he found necessary for calling the Advertiser to account for impeding justice in the case.

Attorney General Andrews reported with authorities yesterday morning. His investigation had confirmed his first impression that there was nothing actionable in the offending article. It had been his desire to be sure about it, as the jurors seemed to be aggrieved and were entitled to protection. There were Eastern cases in which juries were attacked with severe criticism and aspersions while trials were in progress, but in which the supreme courts held there was nothing actionable. In the present case it appeared the article at the worst was but a criticism of the defendant's attorney for what he did in connection with the impaneling of the jury. Mr. Andrews maintained that the jury must not be influenced by newspaper comment, citing the practice in some places of forbidding jurors the perusal of published reports of cases they were sitting at the time. He stated that it was impossible there should be any such meaning in the offending article.

"It mentions the name of the defendant, but there is nothing derogatory to the defendant," he pointed out. "It had said that there was a preliminary jury and some one was asked to see if there would not be a thing that could be taken up under the law."

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proceed. This was all there was about it then. None of the jurors offering to speak, and the trial was forthwith resumed. In his charge to the jury, however, Judge Gear briefly instructed them that they were not to consider any publications or newspaper comments.

THE COURT HELPLESS.

Judge Gear probably welcomed the way the contempt proceedings terminated. Under his own recent deliverance he is absolutely powerless to enforce a penalty for that offense. An upward fine would make the offender liable for imprisonment in Oahu prison, so that if the amount was but a dollar it would be an "infamous" punishment. Therefore, before Judge Gear could have the editor of the Advertiser landed in prison, the case would have to be investigated by the grand jury. As contempt is not an indictable offense the grand jury would not know what to do with the case. Even if one threw a brick at the Judge in open court, he could not protect himself by summary process of contempt.

LONG CHAMBERS CALENDAR.

Judge De Bolt, as presiding judge at Circuit Court chambers this week, had a long calendar yesterday.

On the report of W. A. Wall, commissioner in the partition case of M. F. Scott et al. vs. E. N. Pilpo et al., the court granted leave to sell the property at public auction, at an upset price of \$5,000, after due notice by newspaper and posters. W. C. Achi for the commissioner; Castle & Withington and Enoch Johnson, separately, for certain defendants; J. A. Magoon, L. C. Dickey and John Greig, each for himself.

In the matter of the estates of H. R. Smith and Clara Schneider, the order for hearings made by Judge Gear was rescinded for the reason that his clerk had failed to advertise them as directed. New orders were signed, returnable November 15. Atkinson & Jones appeared for the administrator. In the matter of the estate of F. I. O'Brien, on motion of F. Andrade a continuance was ordered for the purpose of taking testimony by commission in Japan.

A. Frank Cooke was appointed administrator of the estate of Walter Lee under bonds of \$1000. The estate consists of an expectancy of \$700 from the Ancient Order of Foresters, \$600 in bank, household furniture, horse and buggy, yacht, etc., valued at \$400. His heirs at law are a widow, two sons and two infant children. Stewart appeared for the petitioner.

Alfred Barnes vs. C. R. Collins, bill for dissolution of partnership and accounting, was continued indefinitely. In the matter of C. F. Clemens for plaintiff and C. F. Clemens for defendant, a continuance was ordered in the case of Mary E. Foster vs. John K. Foster et al. F. D. Kelleher Jr. being appointed commissioner of sale and publication of notice ordered in the Advertiser and a Chinese paper. Date of sale will be set in decree. E. A. Mott Smith for plaintiff, defendants in default.

In the matter of the guardianship of Kaana, now deceased, the account of C. P. Janke, guardian, was approved, excepting an overcharge of commission \$11.40, and he ordered discharged upon paying over the balance to the administrator. W. A. Whiting for guardian; J. J. Dunne for administrator.

The C. R. Bishop trust accounts were referred to George Lucas as master. Motions to dismiss the appeals in the cases of Hawaiian Electric Co. against W. C. King and King Bros. were denied, the motions of plaintiff for leave to amend notices of appeal being granted. Smith & Lewis for plaintiff; C. W. Asmford for defendant.

NEW TRIAL ORDERED.

Judge Robinson yesterday set aside the verdict in the suit of J. C. Axtell vs. H. E. Hendrick, which awarded the plaintiff \$5000 damages against the defendant for malicious prosecution. He regarded the amount of damages outrageous, a search of many cases of the kind showing no verdict for damages approaching it. A new trial was ordered and further proceedings were assigned to Judge De Bolt.

At the outset of the hearing a motion to strike the motion for a new trial from the files was overruled. After the decision, to which plaintiff noted exceptions, plaintiff moved for an order requiring defendant to furnish additional security. This was set for hearing on Wednesday.

Another motion on file is for an attachment against the property of defendant, on the grounds that H. E. Hendrick, two days after the verdict, sold his property to C. M. Lovested for \$5500, of which \$1000 was cash and the balance secured by a note of notes, that he was secreting his property, also damaging and wasting it, and that he was about to leave the Territory.

E. C. Bittling appeared for plaintiff, and Thomas Fitch for defendant. Mr. Fitch was on crutches owing to his recent attack by inflammatory rheumatism. He stated that he intended leaving for San Francisco today, but would return in January to attend to his cases here.

A temporary injunction was granted by Judge De Bolt, under a bond in \$250 to Hendrick by Axtell with E. O. White as surety, restraining Hendrick from disposing of his property subject to execution.

POSITION ON APPEAL.

Chas. A. Axtell appealed from Judge Robinson's decision in the case of Axtell vs. Hendrick. He was in favor of the Board of Hawaiian Evangelical Association.

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ERUPTION A SCENE OF INDESCRIBABLE SPLENDOR

No Decrease in Activity of the Mauna Loa Crater, But Everything Is Confined to the Summit Opening.

(BY WIRELESS TELEGRAPH—RECEIVED 9 P. M.)

HILO, Oct. 12.—There is no increase in the fire on the summit of Mauna Loa. The scene from Hilo Sunday night was one of indescribable grandeur. As yet there is no flow of lava. Activity is confined to the summit crater. Four different parties have gone up from here and the first is expected to return Wednesday. There is no decrease in activity since the outbreak.

STACKER

Earlier messages from Hawaii yesterday indicated that the volcano was increasing in activity, and passengers on steamers along the Kona coast witnessed a magnificent display upon Mauna Loa's summit. The following message was received at the Inter-Island Navigation Company's offices from Capt. Mosher of the steamer Iwalani.

"Kona, Oct. 12, 1903.

"Great activity Mokuawewe. Kilauca smoking. Grand display visible from steamer along the coast."

The Iwalani carried a special party from Honolulu, which was to attempt the ascent of Mauna Loa to view the eruption at close range. It was their intention to disembark at Honuapo Saturday and go overland to the Volcano House, whence the party would leave for Mokuawewe crater.

A dispatch received yesterday indicates that although the eruption is a magnificent one, yet the lava is still bubbling within the crater and has not begun to flow down the mountain in any great quantity, but an overflow, especially on the Kona side, is expected at any time.

The horizon in the general direction of Maui and Hawaii last evening seemed to indicate the presence of smoke. It was dull and hazy, while above the sky was intensely blue.

IT LOOKS MORE PEACEABLE IN THE FAR EAST

WASHINGTON, Oct. 13.—The Russian embassy is not alarmed over the situation and believes that the dispute with Japan will be settled amicably.

YOKOHAMA, Oct. 13.—The Russian force at Newchwang has been increased.

LONDON, Oct. 13.—The alarmist rumors from the Far East, predicting war between Russia and Japan, are unconfirmed.

PARIS, Oct. 13.—The Japanese Minister declares that diplomatic relations between Japan and Russia are cordial.

LONDON, Oct. 13.—Vice Admiral Noel has been confirmed as commander of the British naval forces on the China station.

Vice Admiral Noel won a knighthood in 1898 during the difficulties at Crete. He is a very important man in the British navy, having held such important commands as those of the Home Squadron and Mediterranean fleet; has been a Lord of the Admiralty; and for two years was an aide-de-camp to the late Queen Victoria.

BALTIMORE, Oct. 13.—Archbishop Kain of St. Louis is dying.

Archbishop Kain is only in his thirty-third year. He has been thirty-seven years in the priesthood, and twenty-eight years a bishop. Upon the death Archbishop Kendrick of St. Louis in 1896 he succeeded him.

NEW YORK, Oct. 13.—The floods at Paterson and Passaic, N. J. have done damage to the amount of \$4,000,000. Thousands have been deprived of work.

SOFIA, Oct. 13.—Desperate fighting is reported from Sofia. The insurgents have killed 560 Turks with a loss of twenty-five

JONES SAYS NOT GUILTY

Entered His Pleas Yesterday in Court.

Demurrer to indictment No. 181, against E. M. Jones for murder, was argued yesterday morning. Judge Gear at 2 p. m. overruled it. A. G. M. Robertson noted exceptions and then submitted without argument demurrer to indictment No. 182, which was also overruled with exceptions noted.

Deputy Attorney General Peters then moved that defendant be called to plead.

Jones, in a quiet tone, pleaded not guilty to each indictment.

Mr. Peters desired that a day certain be set for trial, to which Mr. Robertson agreed. Monday was appointed for setting the day.

The demurrers overruled yesterday were in part based on the misspelling of the word "premeditated," which was written "premeditated."

THE LAKE CASES.

Henry Hogan, attorney for J. W. Lake, separately indicted for selling liquor without a license and for keeping a disorderly house, made an earnest appeal to the court to allow his client to go on his own recognizance until Monday. He said Lake's friend whom he expected to go his bondsman lived at Aiea, and it would be too bad to lock defendant up in jail over Sunday. Defendant was "only charged with a dozen bottles of beer," Mr. Hogan pleaded, causing a general smile.

Mr. Peters for the Territory said it was unfortunate for the defendant, but there was no reason why he should be treated differently from other persons under indictment.

Judge Gear could not see how the court could make the distinction requested, as the Attorney General's department refused consent and Lake's bail was much less than the maximum penalty. Indeed, in the liquor case, it was only half the amount fixed in the case of Simoes, charged with the same offense.

Bail in both cases amounted to \$350.

LULIA LOSSES LAND.

The ejectment case of J. O. Carter et al., trustees of the estate of Bernice Pauahi Bishop, deceased, against Lulia (w.), was given to the jury at 3:30 yesterday afternoon. After an absence of nearly an hour they returned a verdict for the plaintiffs. Mr. Withington made a remark about polling the jury. Judge De Bolt said that it was not usual to poll a jury excepting in criminal cases. Mr. Stanley for the plaintiffs said he had no objection. Mr. Withington then contacted himself with noting exceptions and giving notice of motion for a new trial. The property in question is in Wylie street and worth from \$1500 to \$2000.

Peabody vs. Judd et al., action to quiet title, was still on before Judge Robinson yesterday.

OBJECTIONS TO DOWER.

James Hoare, a creditor of the late Antonio Rosa's estate, has by his attorneys, Kinney & Ballou, filed exceptions to the report of Ella A. C. Long, the commissioner to admeasure dower. In the first place, he says the commissioner has wrongly admeasured dower to the widow, Helen N. Rosa, in that she had elected to take under the will of her husband, as his sole devisee, and therefore was not entitled to dower. In the next place, the commissioner had wrongly admeasured dower in that he had included in the admeasurements the full value of lands that were mortgaged at the time of Antonio Rosa's death. In a mortgage by Antonio Rosa and Helen N. Rosa to J. A. Maqoon for \$5000, Mrs. Rosa had conveyed away her dower interest in such lands. Lastly, the commissioner had wrongly admeasured dower for the reason that the widow consented in writing, such consent being filed in the Circuit Court, to the sale of lands for the purpose of paying the debts of the estate, and for no other purpose. It is alleged that the sale of lands took place, under an order of the court, free and clear of all incumbrances and without any reservations as to dower or other interests. Also, that a petition to confirm the sale, with the consent in writing of Mrs. Rosa to confirmation, was filed by the executor, and the sale was confirmed by the court. It is contended that, by consenting to the sale without reservation and without making claim for her dower interest, also by waiting nearly three years after the sale before making any claim for dower in any part of the estate, the widow had waived her dower right in the proceeds of said lands.

TRUST FUNDS.

F. W. Macfarlane, trustee under the will of Adella Cornwell, has filed a request for approval of the investment of \$8000 in bonds of the Pioneer Mill Co., Ltd. F. W. Macfarlane and August Ahrens, guardians of George Richardson, a minor, request approval of the investment of \$5000 in the same security. In each case there is appended a statement of the status of Pioneer bonds, showing that out of an issue of \$1,250,000 only \$240,000 worth of the bonds remain unsold. The names of large concerns holding the bonds sold are given, and a schedule is presented showing the excess of assets over liabilities of the company to be \$2,425,458.

APPEAL OF POLICEMAN.

Ah On has appealed from judgment of \$172.74 against him and in favor of Ah Hing rendered by District Magistrate Dickey. It was a suit on a judgment for damages for false imprisonment given in the Circuit Court, to which the case had been remitted by the Supreme Court after being appealed to it on a point of law. Defendant is a policeman and Auditor J. H. Fisher

was summoned in the case as garnishee. On the latest trial in the District Court, Judge Dickey denied a motion for nonsuit which had been made on the grounds "that Ah On named in the judgment sued on is not proved to be the same Ah On served in this case as defendant, and that a judgment in this case would be contrary to public policy and unconstitutional."

OTHER APPEALS.

William A. Hall has appealed from judgment for \$161.08 against him, and in favor of George A. Davis rendered by District Magistrate Dickey. It was a suit for balance of an attorney's fee of \$1000.

Defendant in the case of Oki vs. K. Hoshina has appealed from judgment rendered by Judge Dickey in favor of plaintiff for \$108.35.

R. W. Davis has appealed from judgment for \$49.32 against him and in favor of J. A. Durant rendered by District Magistrate Dickey.

Daniel Kapea, who appealed from a fine of \$10 and costs in the District Court for using bad language toward Policeman Eugene Devauchelle, was released by Judge Gear under a nolle prosequi entered by the Attorney General.

JAP MURDERED IN KAU DISTRICT

Sheriff Martin of Kau writes of a murder committed on September 30, as follows:

"On Wednesday, September 30th, at about 10 o'clock in the forenoon, a Japanese was found dead on the road to Kona, about five miles on the Kau side of Kona and Kailua boundary, by Keakula and party. He reported the matter to me at about noon from Papa, South Kona. I called a physician to hold a post mortem and called a coroner's jury which viewed the body at about 6 p. m. We found that the man's skull was cut right through, the wound starting from the left eye and running up to about an inch above the hair line. The brain was exposed and part of it fell to the ground. The cut looks as if it had been inflicted by means of a hatchet."

"Together with a police officer I searched the place where the body was found but no weapons of any description were found. I found a tax receipt on the dead man's person. It had been issued in Honolulu on Feb. 16, 1903, by James L. Holt to Matsuo so I judge that his name was Matsuo. I also found \$3.35 in cash on his person and some letters addressed to different parties. None of them ever mentioned Matsuo or the bearer."

"The case is certainly one of murder. We have no clues as to what the motive was for committing the murder or who did it. The deed was done at a place about twenty miles from Wailuku. It was right on the road where it crosses the lava bed, where the road is made up of large loose gravel. We could not see any trace of footprints, nor of horses either. We have consequently nothing whatever to work on; but I hope we will find something soon."

"The inquest has not been held as yet as Keakula and his party are at Kohala and we need their testimonies. We expect to hold it on Saturday, Oct. 10."

HIBERNIAN ORDER BEING ORGANIZED

Exotic patriotic organizations in Honolulu have at last been rounded off, the Irishmen having taken the preliminary steps toward instituting one of their oldest national societies. This is the Ancient Order of Hibernians.

A meeting well attended by Irish residents was held yesterday evening at the C. B. U. hall on the Catholic mission premises, at which temporary officers for a lodge of Hibernians were selected as follows: P. McInerney, president; Thos. F. McTigue, vice-president; F. D. Creedon, secretary; John Lyng, treasurer. Mr. McInerney presided at this meeting.

Further details of organization will be advanced at a meeting to be held on the 21st inst. Until other arrangements can be made, the members will continue to meet at the C. B. U. hall. Permanent organization will await the receipt of the charter, for which a requisition will be sent to the Coast by the next steamer.

JAPS INDULGE IN A FREE-FOR-ALL

Three "amusing" little Japs" enlivened a drinking bout last night in a Japanese lodging house by having a free-for-all fight, and after it was all over, save succoring the wounded, one Jap was taken to the hospital to have a gash in his cheek, inflicted with a knife, stitched up and two found resting places overnight at the Police Station.

Two Japs at the lodging house became pugnacious and had a lively get-together. The proprietor endeavored to break them apart, when Kodama, well known to the police, jumped into the melee with an open knife and used it on Uramoto. The blade laid open his cheek from below the eye almost to the ear. The police were called but the knife-wielder had escaped before their arrival.

Sugar on Hawaii.

PURNEY Beckley of the Kilauea reports the following sugar on Hawaii ready for shipment of date of October 8: Oahu, none; Waialae, none; Hawaii Mill, none; Waialae, none; Oonoma, none; Pepeekeo, none; Honouliuli, none; Hakalau, 100 bags; Laupahoehoe, none; Ooakala, none; Kukui, none; Hamakua, none; Paauhoo, none; Honokaa, 2280 bags; Kukuihiko, none; Punaluu, 10,000 bags; Honouliuli, 752 bags.

GREAT GLOW OF LAVA FLOW GRAND SHOW

Miss Paris Writes About Bright Spots of Fire Seen From Kona.

Letters and reports received yesterday seem to indicate that the grandeur of the Mokuawewe eruption is shared generally on Hawaii, the reflection being seen from the Volcano House, Hilo and the Kona side. The manager of the hotel at Kilauea announces that a party has started for the summit in clear weather.

Miss Anna M. Paris, in a letter to Mrs. Harriet Castle Coleman, announces that she obtained a magnificent view of the eruption from the rear of her house, situated on the Kona side of the mountain. This communication, reproduced herewith with a letter from W. F. Reynolds, once a resident of Kilauea, largely affected by the volcanic disturbances, tends strongly to corroborate the theory advanced by Joseph S. Emerson in Friday morning's Advertiser that the flow will break out upon the Kona side of the mountain at the place of least natural resistance.

Following is the letter from Miss Paris to Mrs. Coleman:

"Kealakua, Kona, Hawaii, October 7, 1903."

"My Dear Friend: You will probably hear about the new outbreak on Mauna Loa by the Wireless, but I send a line just to let you know what I have seen."

"It was in all its glory last night, a magnificent glow at the summit crater, back of the house, and other bright spots farther down, showing that a stream was going down the mountain. 'The flow appears to be a little this side, but just where nobody knows as yet. Several have gone searching and we shall look anxiously tonight to see where the light is. There must be a grand display of fire at the summit crater, judging from the light.'

"How I would like to see it at close range, but unless the stream should come this side to the sea I don't believe I shall get to the real fire, but it is thrilling to see it even as we do. 'It has all been so quiet lately. No earthquakes as yet. If the flow should stop suddenly we may expect them. I hope it will not but will give some indication a chance to view the fire in all her glory.'

"We were wildly excited last night. It looked so near us and so different from any ordinary fire."

"Yours sincerely,"

"ANNA M. PARIS."

This interesting communication from Miss Paris would appear to dispose of the negative evidence published yesterday, to the effect that no fire was visible from Greenwell's and therefore there was none on the Kona side. "The bright spots" seen by Miss Paris on Tuesday night must have been of burning lava in its course down the slopes of Mauna Loa.

Mr. Reynolds' communication, advancing views practically in harmony with Mr. Emerson's reads as under: "ISSUE EXPECTED AT KONA."

Editor Advertiser: Perhaps a few words from one who has lived on the lands largely affected by the volcanic disturbances of the far famed Mokuawewe may not be out of place.

Mr. Emerson is quite correct in his statement in your today's issue as to point of advantage and a reference to Mr. H. M. Whitney's notes of the 1883 flow will bear this statement out. With regard to the flow of 1883, similar conditions exist now. When the first indication of an eruption occurred on Mauna Loa, it was at first brilliant and then subsided only to break out later in the serious flow from under the woods of Kahuku. It then divided itself into two streams of lava covering thousands of acres and destroying much property. Strangely enough the enormous force behind this flow discharged all the lava out of a space not much larger than the front of the Advertiser building and this can be seen today about two miles mauka of the ranch of Kahuku.

There is no doubt in my mind that although there is an apparent lull for the present, indications point to a large lava flow at some point near the 2500 foot level, which will be a slight westward looking for. Whether this flow will follow the same course as the old flows of 1883 and 1887 is difficult to conjecture, but my information leads me to the opinion that it will find a weak spot nearer Kona.

W. F. REYNOLDS.

St. Clair Bidgood, manager of the Volcano House, furnishes a description of the view from Kilauea at midnight on October 7th, which leaves little doubt as to the magnitude of the outbreak.

GRAND SIGHT FROM VOLCANO HOUSE.

Volcano House, Oct. 7, 12:30 a. m. Richard H. Trent, Honolulu. Dear Sir: No doubt there is much excitement in Honolulu by this time, and there is good reason for it. The outbreak is no "faked" this time. As I wired you, it started at 12:45 this p. m. without any warning—no earthquakes or reports, but a very large column of smoke, not steam, shot up many hundred feet and spread out like a great umbrella, and continued so until dark, when the beauty and glory of the scene burst upon all on the other side of the island, it being cloudy on our side, but we were not deprived of the sight for long. At 2:15 the clouds broke away, and then—such a sight.

It was, and is still, too grand to try to describe.

Mr. Monsarratt and several others say: "There is a great flow of lava in the crater of Mokuawewe, and it is sure to break out and flow down the sides of the mountain." The reflection has been seen from many points in the island. I have been kept at the telephone most all afternoon and evening.

If it continues (and all the old timers think it will), we will have a "old time" rush at the Volcano House. Many are coming up from Hilo and along the line tomorrow and no doubt there will be special steamers from Honolulu.

ST. CLAIR BIDGOOD.

HILLO SEES THE REFLECTION.

The following telegram was received from the Volcano House yesterday, sent to Richard H. Trent:

"Summit crater still active. Reflection seen from Hilo and many other parts of Hawaii. Splendid view at Volcano House. Party started for summit today. Views from Halemauana indicate disturbance. Weather clear."

ST. CLAIR BIDGOOD.

JUDGE WEAVER DONS HIS TOGA

Judge Weaver of the Torrens Land Court formally opened his court yesterday morning, and his office is now ready to transact any business relating to land under the new law. The following order was promulgated:

"Whereas the rules and forms for procedure have been duly approved and printed and the proper officers have duly qualified under the Land Registration Act,

"Now, therefore, it is hereby ordered, that the Court of Land Registration be open for the transaction of business from and after the date hereof, and that all hearings, before the Court be had on Tuesdays and Thursdays at 1:30 p. m. until further order in the premises. By the Court,

WILLIAM SAVIDGE,

Register and Clerk."

SHOULD DEBARK AT KEALAKEKUA BAY

Surveyor Baldwin of Hawaii who has visited the volcano now in eruption reports that the lava is flowing from the Kahuku side of the old Mokuawewe crater, but lower down, and is getting down into the Kahuku district.

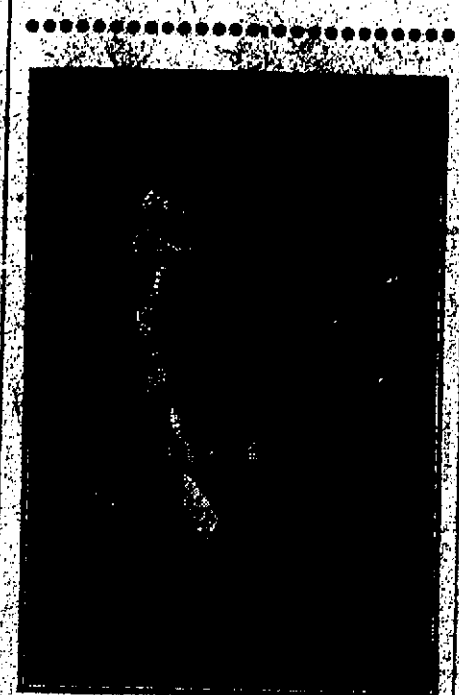
It is understood from this report that the best and quickest way to get to Mauna Loa is by debarking at Kealakua Bay, from which place to the summit it requires ten hours' climbing.

ERUPTION UNLIKELY AT SUMMIT CRATER

Ordinarily lava does not issue from the summit crater and flow down the side of Mauna Loa. In 1832 there was a short flow which began about a thousand feet below the highest elevation.

At another time there was an outbreak about one hundred and fifty feet from the crater but the flow was of such short duration as to be scarcely worth mentioning. The present flow, according to the statements of men who visited the place, begins right at the crater of Mokuawewe. After leaving the crater the lava struck level ground and divided as it always does into, what appear to be, separate flows. This time there were six on Tuesday night but on Wednesday morning some of them had drawn together. It is impossible for anyone to tell the duration of the present flow. The flow of 1881 lasted nine months while there have been others that did not last more than nine days and others still which lasted not more than many hours. The a-a flow, as this one is, moves slowly. It is probably scoria and does not make a crust nor does it flow as rapidly as pahoehoe. The latter variety flows, stops and then tunnels under and apparently makes a fresh start; a-a moves in a body, a huge rumbling mass which can be heard for a long distance as the lava hardens and crunches together. Hilo is in practically no danger from pahoehoe flow owing to the conditions. There have been such flows in the district within the recollection of even young residents but they moved slowly and the inhabitants were not in danger. The flow of '81 was pahoehoe over an old a-a flow and there are places on the line of it where the stream divided and left islands of a-a. As a tourist bringer the volcano in Hawaii's long suit, the grandest attraction in the world may be witnessed with absolutely no danger to the visitor. Unlike Martinique the guest at the hotel is not overcome with sulphur fumes or buried in volcanic dust. Here in Hawaii hotels are built where they will command the finest view, not of mountains and harbor, but of the molten lava as it streams down the mountain side or bubbles in magnificent fountains from the center of the crater. Old residents believe that the present flow will amount to something before it is finished. If it is not too late, mention of the outbreak might be made in the book now being printed by the Promotion Committee, a timely and would bring good results. Allah is Great.

NOMINEES FOR OTHER COUNTIES



A. N. Hayselden, candidate for Board of Supervisors on Maui. He was born at Lahaina, Maui, in 1874, and has been in the employ of the Hawaiian Government for thirteen years, as teacher in the Government schools, postmaster at Lahaina, Maui, and then deputy sheriff of Maui. He resigned in March, 1902, to take up the practice of law at Lahaina. He is still located there and is Territorial Committeeman for the Republican Party. Mr. Hayselden has been a strong Republican from the first.

HACKMEN OUT FOR A. M. BROWN

Honolulu, Hawaii, Oct. 9, 1903. Editor Advertiser: At a regular meeting of the Honolulu Hackmen's Union, held at Brooklyn hall on the above date, the following resolution was adopted:

Resolved, that this Union as a body of organized citizen do endorse the Hon. A. M. Brown for Sheriff of the County of Oahu, we believing him to be honest and competent to fulfill the duties of said office; and be it further Resolved, that we give him our united and individual support, and that we use every fair and honest means in our power to elect him, and requesting all good citizens to do the same.

THE HONOLULU HACKMEN'S UNION. By the President, John Maguire. Secretary, J. E. Harrib.

AXTELL CITES EX-PARTNER

Upon application of the plaintiff in the action of J. C. Axtell vs. H. E. Hendrick, in which he states that he obtained a judgment in the Circuit Court for \$5000 damages, and he is informed that the defendant has debts due and owing him, Judge Robinson has issued a citation ordering the defendant to appear before him on Monday, October 12, at 9 a. m., to be orally examined as to any and what debts are due and owing to him.

Teacher Resigns.

Miss Lucy Adams has resigned from the position of teacher of English and History at Oahu College. Her resignation goes into effect December 31, having been accepted by the Trustees "with great regret." The ill health of Miss Adams caused the step.

HASSON SAW THE DANGER

As Electrical Inspector He Reported Place Hazardous.

Commander W. F. C. Hasson, Inspector in the Naval Academy, Annapolis, Md., in a recent letter to the editor of the Advertiser says:

"I note in one of the late Hawaiian papers the killing of a Chinaman by a falling wire at King street bridge. That the victim happened to be a Chinaman is of course mere chance. I know that you took a personal interest in the question of the proper supervision of electrical construction in Honolulu."

"In the unpublished details of inspection, filed in the Department of Public Works, will be found a record of the conditions at the point where the accident happened. From Mr. Gurrey, secretary of the Board of Underwriters, may be obtained details of a partial inspection of electric wiring Ewa of Fort street."

"Unless the Telephone Company has removed the dead wires which encumber the streets, there is chance for many accidents when the rainy season begins."

"You will understand that I have not and will not have any further personal interest in this matter, but I regard it as a piece of unfinished work. The plan for a perfected system of construction and inspection of electric wires as laid out by Mr. James H. Boyd, former Superintendent of Public Works, was good."

The letter from which the foregoing extracts are taken was shown to Superintendent Cooper and Mr. Gurrey, who corroborated the statements referred to them, though unable, at the moment each was seen, to lay their hands on the particular details mentioned. Mr. Hasson's reports as electrical inspector here were exhaustive, crowding the files in the office of Public Works and Underwriters."

"Every word of that is dead correct," a member of the Legislature said when shown the letter. A prominent official said: "The Legislature lost a good man to the Government when it cut out Mr. Hasson, although his action has indirectly proved a good thing for him."

MAY BE USEFUL HINT FOR HAWAII

According to the American Consul at Tahiti, the export of vanilla beans from that place to San Francisco has fallen off on account of the poor quality of the beans sent to America. Small merchants in Tahiti like to procure this sort of merchandise from the natives, because they can send it to San Francisco instead of money, to pay for other things. However, the traders are so careless in their curing methods that the product is often unsatisfactory.

Mr. Doty, the consul, has attempted to organize a plan for inspection by local officers, and for the attachment of a seal to their reports on the grading of the same. His efforts have not met with favor by the government of the colony, though some of the dealers and planters perceive the merits of the scheme. A few of these, at least, are trying to retrieve the reputation of Tahiti by exporting only the very best beans. A special caution to buyers is contained in the following passage in Mr. Doty's recent report:

"It is possibly my duty, although an unpleasant task, to state for the benefit of importers of vanilla beans from Tahiti, that they should be very careful to examine closely any beans that they have reason to suspect have been cured by Chinamen here. To my knowledge the Chinese traders are accustomed to pick up beans cast away by others as utterly unfit for market, soak them in salt water or let them remain for a time in coconut oil, and then pack them in the bottoms of tins containing better grades. Chinamen will buy even mouldy vanilla beans and so scatter the bad ones among good ones as to avoid ordinary scrutiny."

The Americanized music for "America," reprinted lately by the Advertiser from the Ladies Home Journal, has taken hold in Honolulu. Tardley has been taking it to school, so that it is now familiar to many homes. It is a lady who phoned to the Advertiser office to certain if copies of the music were on hand.

INTENT OF ADVERTISER NEWS ITEM MISTAKEN

Jurymen are Offended--Judge Gear Connects With Former Article--Attorney-General Finds Nothing Wrong but Headline..

suult and battery was resumed before Judge Gear yesterday morning, the proceedings were checked at the outset by the objections of some of the jurors to the notice the case had received in that day's Advertiser. They did not like the report of the beginning of the case, subheaded "The Color Line," which read thus:

"Kamuela was put on trial for assault and battery. Ella Long appeared for defendant. When his challenges had been exercised, only one white man was left on the jury. This was Carl Willing."

When the Attorney General, who was called in about the matter, failed to admit seeing anything important in the article, his attention was called to a section of the heading of the entire court report, which ran thus: "Color Line Drawn Empanelling a Jury."

COMPOSITION OF JURY.

The jury sworn the previous evening to try the case consisted of Sol. Keolowa, J. K. Clark, E. K. Rathburn, J. P. Makinai, Carl Willing, J. S. Low, D. Kawananakoa, F. J. Robello, J. H. Wise, L. P. Fernandez, A. A. Montano and J. L. Aholo.

Those excused before this jury was found satisfactory were J. F. C. Abel, L. R. A. Hart, J. H. Boyd and Charles Notley.

PRINCE DAVID COMPLAINS.

Prince David Kawananakoa started the ball rolling, which caused a suspension of the trial until Monday, by calling attention to the article in the Advertiser. He felt that it was improper for a newspaper to comment on a jury engaged in trying a case, and although the case had gone half through he felt his opinion was settled and he could not sit longer on the case. He thought the phrase, "only one white man," was an insult to the rest of the jury.

THE COURT SPEAKS.

Judge Gear was sorry to see the course taken by the said newspaper, and referred to an article in the same paper a week ago last Sunday, which said no native jury ever convicted a native, and about which a judge visiting with him commented. The court concluded:

"I cannot blame the juror, nor the jurors, for taking offense at the article. It shows to what lengths the newspaper will go when there is nobody to restrain it. They would call this judge to account I suppose, but this judge did not draw the jury. The First Judge of the First Circuit Court drew all the jurors, and the jury was drawn by chance or lot. The jurors in the Hawaiian Islands almost consist mostly of Hawaiians, because of their numerical numbers, and for any newspaper to make comments such as are made shows a want of intelligence, politically at least, that you would not expect from that source."

"This matter having been brought up by one of the jurors, it seems to me proper for the Attorney General's Department to take cognizance of the fact."

MR. FLEMING CONCILIATORY.

Mr. Fleming: If the Court please, I wish to say no one regretted the article in the paper more than I did this morning, because no such consideration influenced me in any of my challenges, and I do not think Mr. Long was influenced in any of his challenges by any such consideration as appears in the paper this morning. The jury is perfectly satisfactory to me, and I believe they will do justice between the Territory on the one hand and the defendant on the other. I do not think it is a matter that should be brought up. I am satisfied with the jury, satisfied to go ahead, and have no criticism to make on it.

The Court: That is not the question, Mr. Attorney General.

Mr. Fleming: I will refer that to the head of my department.

The Court: Let it be referred now, have the head of the department over here.

DEBATE PROCEEDS.

Mr. Montano read the article, and said he was sorry the paper did not mention what color. It was an insult to himself and the rest of the Spanish nation unless the newspaper apologized. He considered it an insult to all Hawaiians.

Attorney General considered the article was directed more toward him than anyone else. For what reason he did not know, as he made it a point to be as fair as he could. His challenge of Mr. Abel was the suggestion of his client. He thought for the paper to accuse him of drawing the color line had prejudiced the entire jury, so that they would be unable to finish the trial. There was but one course, which would have to be determined by the presiding judge.

Mr. Fleming said Mr. Long had discussed the case with him, when it was agreed no reflection on the jury was intended.

Mr. Long raised the question of whether, after what happened, the jury could acquit the defendant in case of the benefit of a doubt.

Judge Gear told the questioner he need not argue that point, because the jurors said they could not act with the same unbiased feeling as they could before reading the article. He referred again to the Sunday article.

Mr. Wise uttered the thought that the Advertiser wanted the Advertiser to run the court. It would suit him better he said. Judge Gear responded, "they will not run this court," to which Mr. Wise assented. "We know that, your Honor."

ATTORNEY GENERAL CALLED.

Judge Gear referred to the satisfaction of both sides with the jury, but said the matter was now in a position where it could not go on. He had no idea the jurors were going to speak about the article, though he could not blame them for doing it. Therefore he called on the Attorney General to take the matter in hand, saying:

"The Court, of its own initiative, has had to do disagreeable things, because it has been more maligned than any court has been in any land, but it does not at all affect me; I consider the source, but if courts of justice are going to exist in this community, they should be made to exist without such attacks as that, or we cannot have justice."

Mr. Montano said he had spoken to the Attorney General, who said it didn't amount to anything and was only newspaper talk. Mr. Montano, however, thought it was very important to the Hawaiian and Spanish nations.

Judge Gear again spoke in justification of the attitude of the jurors, concluding with the remark:

"These jurors are here sworn on their oaths to do their duty as citizens, and unless the community at large or the community representing this paper are prepared now to insist that Hawaiians should be disfranchised and not allowed to be jurors. It is time to put a stop to these proceedings."

ATTORNEY GENERAL APPEARS.

Attorney General Lorrin Andrews appeared at this stage and Judge Gear forthwith related to him the gist of the morning's proceedings, connecting the cause thereof with the Sunday article. He ended with this monition:

"You, as the Territorial officer representing the Attorney General's Department, the burden comes on you to take such steps as you may deem necessary."

"What portion of the article did you find affects the jury?" the Attorney General asked.

"I referred to no portion of the article," the judge answered.

"To the whole thing, from the heading down to the bottom of it--the whole statement," Prince David explained.

Judge Gear again upheld the position the jurors took. He supposed the paper had not attacked him because he had not drawn the jury.

MR. ANDREWS WILLING.

Mr. Andrews said: "The Attorney General wants to do what he can. Mr. Long has called my attention to the headline, which seemed to him to be an objectionable one. In the body of the article I see nothing that was in that important, but in the matter of the headline, I will see what can be done."

FROM PERSONAL STANDPOINT.

Judge Gear replied to the Attorney General in the following strain:

"I do not wish you to do anything except of your own responsibility. I called it to your attention as an officer of the Government whose duty it is to prosecute such cases, and see that there is no intimidation or insinuation by newspapers. But it seems to me it is about time, Mr. Attorney General (from a personal standpoint if you want to take it that way), it is about time as far as the right of justice is concerned, unless this paper and the people behind it are ready and willing to come out now and insist that the franchise be taken away from the natives, to refrain from any such statements as these. This is a case we were on all day yesterday, and now we have thrown away all this time; the jurors are not satisfied to sit on the case, and the administration of justice has been interfered with, and the Court will call your attention as an officer in that Department, whose duty it is to see that the administration of justice is not interfered with, and to take such steps as you may deem proper."

Responding to the opening remark of Mr. Wise, in a considerable address to the effect that the article hurt him most where it implied that the rest of the jury, not being white men, should not sit on the case and that white men were the only capable people to try cases, Judge Gear remarked:

"I believe that is the belief of that paper."

SPEECH BY WISE.

John H. Wise said: "We all know that the Advertiser has been running the country since 1883, running the courts before your honor came to the bench, and naturally they were losing a little power after you came to the bench and other men of your stamp, and therefore wish to have the same old regime come back; and that is the state of affairs that the officials of the country wish to have, why I would go to jail again for ten years; I have been there one year to try to put these men out. I think it is a reflection not only on the character of the natives but on the people at large. I for one won't stand it, whether or not it comes from Thurston or any of that clique. I am an American citizen now, and am going to enjoy the privileges, and for people of that character to come up and say I am not fit to judge anybody, and but white men should sit in the courts, and do justice, and if the kind of white men that the Advertiser wishes to disfranchise the Hawaiians I believe we should leave the country here to them and go somewhere else; and I feel that justice should be done to his Honor."

Attorney General Andrews said: If the Court please, I don't know whether there is any insinuation that the Attorney General's office has anything to

(Continued on page 7.)

UNDERGROUND WARRES AND BIG RESERVOIRS

New reservoirs are to be constructed for the Honolulu water system on a scale that will make the existing ones look like duck ponds in comparison.

Borings are in progress to find bed rock upon the site of Nuuanu reservoir No. 4, for which \$75,000 was appropriated by this year's legislature out of the loan funds. The capacity of this reservoir is to be four hundred million (400,000,000) gallons. It will conserve for dry periods that quantity of storm water, which otherwise would run wastefully to the ocean. Also it will end water famines on the upper levels.

Plans for the reservoir at Kalihi, to have a capacity of 4,773,000 gallons, are in course of preparation. The appropriation for this work, also loan fund, is \$50,000.

Plans for electric wire ducts are nearly ready in the office of the Deputy Superintendent of Public Works, Marston, Campbell, and when they are completed Superintendent H. E. Cooper will look around for a contractor to undertake the work. These plans are for the first section proposed to be constructed, which lies between Nuuanu and Richards streets, and Beretania street and the waterfront.

Mr. Cooper hopes to be able to make arrangements with the Rapid Transit Co., the Hawaiian Electric Light Co., and the Government Electric Light Station on the one hand, and the Mutual Telephone Co. and Fire and police alarm on the other, to have all their electric conductors go into the ducts. Those mentioned first, having high power wires, will have a duct on the opposite side of the street from those mentioned in the second category, having low power wires, as it would make lively electrical war to place them together.

Plans for the Royal School have been sent by the Department of Education to the Department of Public Works. The new dispensary plans have been completed.

Lumber for the Oceanic wharf shed is on the ground. While it will be impossible to undertake in a heap all of the public improvements planned, yet the object of the department is to have things ready to go ahead as they are reached and funds therefor obtained.

JAPANESE ROUTS HOODLUMS WITH HIS WOODEN SHOE

A Japanese storekeeper on King street, Ewa of the rice fields in Palama, took the law into his own hands last night to defend himself from the depredations of a gang of Portuguese hoodlums, and as a result a young Portuguese boy was sent to the Queen's Hospital in an unconscious condition and suffering from two severe gashes on the top of his head made with a wooden shoe. After being taken to the hospital the electric battery was used on the boy to bring him to his senses. The wounds may result fatally. The Japanese, Hirosaki, is under arrest, and his wooden shoes, one soaked with blood, are held at the station as evidence.

Hirosaki had been annoyed during the evening by the gang's hoodlum acts. The boy who was struck was especially annoying, and had been warned several times to keep out of the store. It is said also that the boy stole certain articles. At last the two came to blows--the shoe came into play, and the youngster fell to the ground insensible. The patrol wagon was called and the boy taken direct to the hospital.

A white man called at the station and said that the gang was a particularly bad one, he also having suffered the loss of clothing through their depredations, and they had lately centered their attentions on the Japanese.

POLITICAL FAKES.

The fake attempt to do politics in Judge Gear's court room on Friday last must have been amusing to the readers of the Advertiser, who are familiar with its habitual disregard of racial diversities, which constitute the only available capital of the Home Rulers. Two or three extracts from recent editorials should have been read and digested by members of the jury, who interjected stump speeches into the bowels of a law court.

For example: "The native population is exceptional in its qualifications and is in no sense to be classed with the inferior races." "Under the Constitution of the United States, a native citizen or a citizen of any extraction is equal before the law with every other American." "He is literally and precisely on the same footing, in relation to his personal rights and his capacity of acquiring and using property, as the president."

This is the platform of the Advertiser, which never refers to a man's color as a badge of either inferiority or distinction. The Home Rulers, however, seize every possible opportunity to make discriminations against Americans who are not natives and brought up in the full effulgence of the extinct monarchy.

Friday's fake was a razzle-dazzle in its way. There was nothing in the Advertiser's report of the trial in progress to cast any reflection upon the jurors, and only an error of fact that was harmless. But some of the jurors thought that, after reading a newspaper heading, they were incompetent to render a just verdict. This was probably an unreasonable criticism upon themselves, for a man whose decision of a case, under his oath, could be even affected by journalistic criticism, would be unfit to serve as a juror anywhere. A citizen of that calibre would be a long way below par. We do more justice to the jurors than to endorse this self-depreciation.

Evidently the plain duty of any judge, who did not regard an extra judicial sensation of a very limited size as a tit-bit, was to have bluntly stopped the waste of time, to rebuke an attempt to manufacture political capital in a court room, and to direct the prompt resumption of trial. The article complained of was not before Judge Gear. It did not bear the absurd construction placed upon it. It was not testimony in the cause, which the jurors had sworn to decide according to the evidence and the law. The interruption of the proceedings, therefore, and the columns of swash which followed, were merely twaddle and a caricature of orderly procedure.

WAR TALK IS NEARING ACUTE STAGE IN JAPAN

Nation Demands That Russia Fulfill the Pledges Regarding Manchuria.

YOKOHAMA, Japan, Oct. 9.—The tenor of today's press in Japan shows intense feeling in regard to the Manchurian situation. Conservative newspapers demand that the government insist that Russia fulfill its pledges regarding the evacuation of Manchuria. Naval officers have been in conference regarding proposed war plans.

Many wealthy Japanese are offering to subscribe towards a war fund.

ST. PETERSBURG, Russia, Oct. 9.—But little war feeling is manifested in this capital. Russians are taking the Far Eastern crisis very coolly.

OLD SHIP WRECKED AND ONLY THREE MEN SAVED

LONDON, Oct. 9.—The ship Benjamin Sewall has been wrecked on the Pescadores. Only three of the crew were saved.

The ship Benjamin F. Sewall was a well known old ship that had seen her best years some time ago. She was not one of the line of Sewall ships that have been trading to Hawaii but sails out of Boston and the interest in the vessel which is not owned by her master, Captain Halsted, is owned by a Boston firm. Captain Halsted has had the Sewall in all sorts of difficulties. The vessel has been ashore many times, has been in a great deal of trouble at sea, and was regarded as a hoodoo vessel, as she seldom arrived in a port and got away again without being mixed up in the courts. The vessel was of 1320 tons.

The Pescadores are a group of small islands, surrounded by many reefs, and situated in the Formosa Strait, lying almost midway between Formosa and Amoy, China. The place is in the typhoon track and the Pescadores have claimed many wrecks during recent years. These small islets formerly belonged to China but are now the property of Japan.

The Benjamin F. Sewall was at Singapore on the first of September.

The ship Benjamin Sewall on December 29, 1901, put into Honolulu in distress while enroute from Port Townsend to West Australia with a cargo of lumber. The vessel was leaking. Captain Halsted remained here repairing for about three weeks and then sailed for Australia.

The above cablegram seems to indicate that Captain Halsted lost his life in the wreck on the Pescadores.

CHEEFUO, China, Oct. 12.—It is believed here that hostilities between Russia and Japan are imminent. The naval forces of both Japan and Russia are now placed in advantageous positions in preparation for a quick strike in the event of war.

LEXINGTON, Ky., Oct. 11.—Lou Dillon, the horse that broke the trotting record, has now broken the wagon record in 2:01 3-4.

Lon Dillon is the great animal, which at Readville Track, Mass., on September 24, lowered the world's trotting record to two minutes. The best previous record for one mile, trotting to wagon, was made by The Abbot four years ago, the time being 2:05 1-2.

PARIS, Oct. 11.—It is believed that, in the event of war, Japan will strike the first blow. It is denied at the Japanese legation that Japan has already landed forces in Korea.

PATERSON, N. J., Oct. 11.—The damage done by the flood in and about this city amounts to \$2,000,000.

NORFOLK, Va., Oct. 11.—Three wrecks are reported on the Virginia coast. Several lives were lost.

VIENNA, Oct. 11.—The Czar will not visit Rome on account of his fear of the anarchists.

SOFIA, Oct. 11.—Further mobilization of troops has been ordered.

BOSTON, Oct. 11.—The widow of Evangelist Dwight L. Moody is dead.

IROQUOIS MAY NOT GO TO MIDWAY GROUP UNTIL APRIL

The Iroquois's next regular cruise to Midway to pursue the same astronomical researches, may not take place until next April, if Captain Rodman's recommendation to postpone the trip to that month is acted upon favorably by the Navy Department. It had been the intention of the department to send the Iroquois to Midway this month with two officers especially assigned to determine the longitude of the place. This would have been done as privilege of the Hydrographic Bureau. One of the officers, however, has been given three months' sick leave, and the local navy people have heard nothing more in connection with pursuing the matter from a purely naval source.

It seems, however, that Carrol D. Wright, Commissioner of Labor at Washington, heard of the proposed cruise, and to that end applied on September 18 to the Navy Department for permission to have Mr. Morse of the Coast and Geodetic Survey taken to Midway to pursue the same astronomical researches. He stated that Mr. Morse was due here about October 16, and may perhaps arrive in the Ventura. Mr. Wright requested that the Iroquois's departure be delayed until his arrival so that he could be taken aboard.

Capt. Cowles of the Bureau of Navigation on receipt of the recommendation said he had no official notice of the proposed visit of the Iroquois to Midway. The Secretary of the Navy referred the matter to Admiral Terry who in turn passed on the recommendation that the Iroquois's departure be delayed until October 16. As the cruise first proposed has already been abandoned, and further as it is not deemed wise at this time of the year to go to Midway in a vessel the size of the Iroquois, the matter stands as before the cruise was projected. Mr. Morse will probably arrive here this week, but may have to forego his visit if he depends on being taken to Midway on the Iroquois.

613 Market St., San Francisco

immodities, for which plenty of susceptible soil may be found in these lands, and which sufficiently answered the plea that agricultural Hawaii is not fit for sugar.

BY AUTHORITY.

14. Adoptive immunity